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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/617,690 | 07/14/2003 | Satoshi Tanaka | 500.42925X00 | 3746 |

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EXAMINER

CHIANG, JACK

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2642

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/617,690 | Applicant(s) TANAKA ET AL. | |
| | Examiner Jack Chiang | Art Unit 2642 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7/26/05, 7/14/03</u> | 6) <input type="checkbox"/> Other: _____ |

CLAIMS

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 3 is rejected under 35 U.S.C. 102(e) as being anticipated by Tatehana et al. (US 6879337).

Regarding claim 3, Tatehana shows:

An imaging camera (6);

A first casing (1) having a first operation section (14);

A second casing (2) having a display (21);

Multiple joints (41, 51, 63 etc.);

The first and second casings (1-2) can be folded into a closed position;

A camera casing (62) having the imaging camera (see 60-61), the casing (62) is provided between the multiple joint (41-63) independently of the first and second casings (1, 2), a diameter of a rotation shaft (62c) of the camera casing (62) is set smaller than the outer diameter of the rotating sections (i.e. 41, 51) of the first and second casings (1, 2).

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3. Claim 4 is rejected under 35 U.S.C. 102(e) as being anticipated by Kang et al. (US 2003/0040288).

Regarding claim 4, Kang shows:

A folding portable terminal with an imaging camera (fig. 20);

A first casing (250) having a first operation section (253);

A second casing (210) having a display (213);

Multiple joints (201, 100, 300 etc.);

The first and second casings can be folded into a closed position (figs. 18-19);

A third casing (i.e. 110, 510) is provided between the multiple joint (locations of 201, 300 in fig. 8) independently of the first and second casings (250, 210), at least two faces of a module (320, 570) provided inside the third casing (i.e. 110, 510) come into contact with cushioning members (569, 340).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tatehana et al. (US 6879337) in view of Sato et al. (US 2004/0095500 A1).

Regarding claim 1, Tatehana shows:

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An imaging camera (6);

A first casing (1) having a first operation section (14);

A second casing (2) having a display (21);

Multiple joints (41, 51, 63 etc.);

The first and second casings (1-2) can be folded into a closed position;

A camera casing (62) having the imaging camera (see 60-61), the casing (62) is provided between the multiple joint (41-63) independently of the first and second casings (1, 2), a face of an imaging camera module (see 61) provided inside the camera casing (62) come into contact with a cushioning member (68).

Tatehana differs from the claimed invention in that there is one cushioning member instead of two cushioning members contacting two faces of the camera module.

However, Sato teaches providing two cushioning members (55, 56) contacting two faces of the camera module (53).

Hence, the concept of providing cushioning for a camera module is well taught by Tatehana, it would have been obvious for one of ordinary skill in the art to modify Tatehana's cushioning with two cushioning members as taught by Sato, such that it allows the camera module to be held and fixed by the cushioning members when mounting the camera module (col. 2, paragraphs 0044-0045 in Sato).

Regarding claim 2, the combination of Tatehana and Sato shows the cushioning members having a dustproof function (cushion 68 in Tatehana; cushions 55-56 in Sato).

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Regarding claim 4, Tatehana shows:

An imaging camera (6);

A first casing (1) having a first operation section (14);

A second casing (2) having a display (21);

Multiple joints (41, 51, 63 etc.);

The first and second casings (1-2) can be folded into a closed position;

A third casing (62) is provided between the multiple joint (41-63) independently of the first and second casings (1, 2), a face of a module (see 61) provided inside the third casing (62) come into contact with a cushioning member (68).

Tatehana differs from the claimed invention in that there is one cushioning member instead of two cushioning members contacting two faces of the module.

However, Sato teaches providing two cushioning members (55, 56) contacting two faces of a module (53).


Hence, the concept of providing cushioning for a module is well taught by Tatehana, it would have been obvious for one of ordinary skill in the art to modify Tatehana's cushioning with two cushioning members as taught by Sato, such that it allows the module to be held and fixed by the cushioning members when mounting the module (col. 2, paragraphs 0044-0045 in Sato).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Chiang whose telephone number is 571-272-7483. The examiner can normally be reached on Mon.-Fri. from 8:00 to 6:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 570-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jack Chiang
Primary Examiner
Art Unit 2642